



Town of Westminister

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

Phone: (978) 874-7414
tmurphy@westminister-ma.gov

Gregg Buckman, chairman Marie N. Auger, vice chairman Dan Barkus Jodi Snyder Jacklyn Nally

**NOTICE OF DECISION
PLANNING BOARD – SITE PLAN APPROVAL
STORMWATER & SPECIAL PERMITS
GROUND-MOUNTED SOLAR ARRAY**

TJA Clean Energy, LLC (applicant) Wachusett Village Inn, LLC (Owner)

DATE OF DECISION: April 25, 2023

1. Application

This document is the DECISION of the Westminister Planning Board (hereinafter the Board) on the Applicant TJA Clean Energy, LLC (hereinafter the Applicant) for property located at 6 Village Inn Rd.. This Decision is in response to an Application for Site Plan Approval, Stormwater & Special Permit to install a ground-mounted solar array on the subject property.

2. Applicant/Owner

Applicant:

TJA Clean Energy, LLC
150 John Vertente Boulevard
New Bedford, MA 02745

Owner:

Wachusett Village Inn, LLC
499 Mountain Rd
Princeton, MA 01541

3. Location

6 Village Inn Rd., Tax Map 113, Lot 26-1 (portion thereof) located in the Commercial I and Residential-I zoning districts.

Recorded in: **Book 2960 Pg. 302**

4. Board Action

After due consideration of the Application, the record of proceedings, and based upon the findings set forth below, on April 25, 2023 the Board voted to APPROVE the Site Plan

Tracy Murphy 6 Village Inn Rd.
Town Planner
tmurphy@westminister-ma.gov

Application and grant the Stormwater Permit and Special Permit by a unanimous vote of the five members sitting on the Application. The record of the vote is stated as follows:

GREGG BUCKMAN	YES
MARIE AUGER	YES
DAN BARKUS	YES
JODI SNYDER	YES
JACKLYN NALLY	YES

5. Proceedings

The Application was received by the Board on January 11, 2023 pursuant to Chapter 205-34 (Site Plan Review), Chapter 205-40.1 (Large-Scale solar Photovoltaic installations) of the Zoning Bylaw and sec. 6.2 of the Westminster Stormwater Regulations. The Applicants presented the Application to the Board at a duly noticed public hearing of the Board on February 14, 2023 at 7:30 PM in the community room at the Westminster Senior Center. The hearing was continued to the following dates: Feb. 28(weather postponed to March 7), March 21(weather postponed to March 28), April 11, and April 25 when the hearing was closed and the Applications voted on.

Board Members Gregg Buckman, Marie Auger, Dan Barkus and Jodi Snyder were present for all hearings. Jacklyn Nally was absent March 21, 2023. Pursuant to M.G.L. c. 39, § 23D, member Nally filed a "Mullen Rule" certification on March 28, 2023.

The minutes of the public hearing and submissions on which this Decision is based, which together with this Decision and the c. 39, § 23D Certification constitute the record of the proceedings and may be reviewed at the Planning Department office of the Westminster Town Hall.

6. Exhibits

- 6.1. Site Development Plans prepared by Atlantic Design Engineers, Sheets 1 – 6, dated January 10, 2023;
- 6.2. Application for Site Plan Approval dated January 11, 2023;
- 6.3. Application for Special Permit Approval dated January 11, 2023
- 6.4. Application for Stormwater Permit dated January 11, 2023;
- 6.5. One (1) copy of the Stormwater Report for the Village Inn Road Solar Project dated December 28, 2022;
- 6.6. A Certified Abutters List for properties 300' from the Locus;
- 6.7. Waiver Request List;
- 6.8. Data sheets of inverter, battery, transformer, racking system;
- 6.9. Proposed One-Line Electrical Diagram
- 6.10. First Amendment to Solar Real Estate Lease Option Agreement (Site Control)
- 6.11. Email correspondences with National Grid dated August 3, 2020 (Utility Notification)
- 6.12. Decommissioning Plan;
- 6.13. Emergency Response Plan;
- 6.14. Operation and Maintenance Plan;
- 6.15. Construction Sequencing and Inspection Schedule Report;
- 6.16. Vegetative Management Plan;
- 6.17. Screening Narrative;
- 6.18. Wetland Impact Narrative;

- 6.19 Evaluation of Impact on Water Resources;
- 6.20 Evaluation of Impact on Landscape;
- 6.21 Environmental Impacts of the Proposed Development During Construction

7. Findings

Based upon its review of the Application, exhibits, and the public hearing thereon, the Board makes the following findings and conclusions:

7.1. On January 11, 2023 the Applicant filed with the Town Clerk an Application for a Hearing before the Planning Board for the purpose of obtaining Site Plan approval, Stormwater & Special Permits for the installation of a ground-mounted solar array on subject property.

7.2. Notice of the public hearing was duly published in the Gardner News two successive weeks prior to the public hearing and mailed to all parties-in-interest as defined by MGL Chapter 40A, Section 11.

7.3. This project will result in a 5.0 megawatt ground-mounted solar farm covering 9.43+- acres. In order to construct this installation, the Applicant must obtain Site Plan Approval from the Planning Board under Chapter 205-34 of the Zoning Bylaw (Site Plan Review) a Special Permit under 205-40.1 (Large Scale solar) and section 6.2 of the Stormwater Management regulations.

7.4. A review of the property's permit history indicates that the property has not received any Variances or Special Permits in the past.

7.5. The project is located in both the Commercial I and Residential-I districts. The project has its primary frontage on Village Inn Rd., a public road maintained by the Town.

7.6. There will be no primary buildings on site, and there is no need for a well or septic system, or municipal water and sewer. There will be no paved parking on site and the driveway will not be paved.

7.7. The Applicant has agreed to install non-reflective solar panels.

7.8. The Applicant has agreed to provide information on who to contact during the construction phase, should any problems arise.

7.9. The Planning Board determined that the final site plan as presented addresses all outstanding concerns expressed by Town of Westminster departments, boards, commissions and committees.

7.10. The Applicant requested the following waivers from the Board's Site Plan Review Regulations.

- Subsection 2.1 Site Plan sheet scale of 1" = 40'
- Subsection 2.1.5 Landscape Plan.
- Subsection 2.1.7 External Lighting Fixtures
- Subsection 2.1.8 Proposed Open Space and Recreation Areas
- Subsection 2.1.14 Evaluation of Traffic Impacts

- 5. Subsection 2.1.19 Decommissioning Bond. The Applicant requests that this be provided during the building permit application process for the amounts detailed within the submitted Decommissioning Plan.
- Subsection 3.9 Utilities and Lighting. The applicant requests that the point of interconnection from Village Inn Road to the array area/equipment pad be aboveground overhead wiring.

The Planning Board voted unanimously (5 – 0) to approve the waivers requested by the Applicant.

8. Conclusions

After a unanimous vote to close the public hearing, the Board voted 5-0 to grant the Applicant Site Plan Approval and grant the Stormwater & Special Permit with the following conditions:

Standard Conditions:

- 8.1 Other approvals or permits required by the Zoning Bylaw, other governmental boards, agencies or bodies having jurisdiction, shall not be assumed or implied by this Decision.
- 8.2 The Board hereby reserves its powers to modify or amend the terms and conditions of this site plan approval upon its own motion with consent from the owner or the applicant. The Board further reserves its powers to amend this minor modification without a new public hearing provided that the Board finds that such amendment is not significant to the public interest and that such amendment is not inconsistent with the purpose and intent of the Zoning Bylaw or with the terms of this Approval.
- 8.3 The Site Plan Approval with conditions shall lapse on April 25, 2025 if a substantial use thereof has not commenced for good cause. Any request for an extension of the time limitation set forth herein shall be made in writing to the Board at least 30 days prior to April 25, 2025 and the Board reserves its rights and powers to grant or deny such request without a public hearing.
- 8.4 Except as otherwise set forth in this decision, the facility shall be constructed in substantial conformance with the application documents submitted by the applicant, including without limitation the plans entitled, "Site Development Plans – Village Inn Solar Project" dated Jan 10, 2023, revised March 9, 2023 prepared by Atlantic Design Engineers, Inc. (the "Plan"). Any substantial deviation from such documents shall require further approval by the Planning Board.

Site/Project Specific:

- 8.5 A driveway permit from the Department of Public Works is required prior to construction.
- 8.6 A road opening permit from the Department of Public Works is required prior to construction
- 8.7 Prior to obtaining a building permit, the Applicant shall provide the Decommissioning Bond in the amount and form agreed upon between the Town and the Applicant.
- 8.8 The Applicant will conduct test pits at the proposed infiltration basin location prior to construction. Additionally, test pit logs and any required revisions to the Plans and supplemental information shall be provided to the Board for review prior to construction.

8.9 The applicant will provide proof of coverage under the US EPA NPDES General permit for Discharges from Construction Activities (CGP) and a copy of an approved Stormwater Pollution Prevention Plan (SWPPP) to the Town prior to construction.

8.10 The Applicant will provide a signed Illicit Discharge Compliance Statement prior to construction.

8.11 The Applicant will work with the Town Planner, the Planning Board's engineering consultant (Tetra-Tech), Conservation Agent, and the Director of the Public Works Department to establish an inspection schedule based on construction milestones. Tetra-Tech will perform the inspections on behalf of the Planning Board and the cost will be borne by the Applicant who will provide the Town funds to be deposited into a MGL 53G account to cover the cost of this effort.

8.12 Parking of commercial vehicles on Village Inn Rd. is prohibited.

8.13 During the construction phase, a Police detail is required when any work is performed in the Public Right of Way.

8.14 During construction, all truck traffic must use the Route 2 Depot/Narrows Rd Road Exit to and from the site.

8.15 The Applicant will get approval from the Planning Board regarding appropriate species and placement of planting material prior to installation.

WITNESS my hand this 25th day of April 2023

On behalf of the WESTMINSTER PLANNING BOARD

By:

Jodi Snyder, Clerk


Ellen Sheehan, CMMC

Westminster Town Clerk

Date 4.27.2023

I certify that 20 days has elapsed
without an appeal.

Ellen Sheehan, CMMC
Westminster Town Clerk
Date _____